

1999—Subsec. (d)(2). Pub. L. 106-65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a). Pub. L. 104-93, §502(b)(1), substituted “described in subsection (e)” for “who are assigned to Defense Attache Offices and Defense Intelligence Agency Liaison Offices outside the United States and who are designated by the Secretary of Defense for the purposes of this subsection”.

Subsecs. (d), (e). Pub. L. 104-93, §502(b)(2), (3), added subsecs. (d) and (e) and struck out former subsec. (d) which read as follows: “Regulations prescribed pursuant to subsection (a) shall be submitted to the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate before such regulations take effect.”

1991—Subsecs. (b) to (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

#### Statutory Notes and Related Subsidiaries

##### DELEGATION OF AUTHORITY OF SECRETARY OF DEFENSE

Pub. L. 99-145, title XIII, §1302(b)(3), Nov. 8, 1985, 99 Stat. 738, as amended by Pub. L. 100-180, div. A, title XIII, §1314(d)(4), Dec. 4, 1987, 101 Stat. 1176, provided that: “The authority of the Secretary of Defense under section 431 of title 37, United States Code, as added by paragraph (1), may be delegated in accordance with section 113(d) of title 10, United States Code.”

[Amendment to section 1302(b)(3) of Pub. L. 99-145 by Pub. L. 100-180 effective Oct. 1, 1986, see section 1314(e)(2) of Pub. L. 100-180, set out as a note under section 413 of this title.]

#### § 492. Travel and transportation: members escorting certain dependents

(a) Under regulations prescribed by the Secretary concerned, a member of a uniformed service may be provided round trip transportation and travel allowances for travel performed or to be performed under competent orders as an escort for the member’s dependent when travel by the dependent is authorized by competent authority and the dependent is incapable of traveling alone because of age, mental or physical incapacity, or other extraordinary circumstances.

(b) Whenever possible, the Air Mobility Command or Military Sealift Command shall be used, on a space-required basis, for the travel authorized by this section.

(c) No transportation or allowance may be provided under this section for travel that begins after the travel authorities transition expiration date.

(Added Pub. L. 99-661, div. A, title VI, §615(a)(1), Nov. 14, 1986, 100 Stat. 3879, §431; renumbered §432, Pub. L. 100-26, §8(b)(1), Apr. 21, 1987, 101 Stat. 285; amended Pub. L. 107-107, div. A, title IX, §931(c), Dec. 28, 2001, 115 Stat. 1200; renumbered §492 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(30), Dec. 31, 2011, 125 Stat. 1460, 1464.)

#### Editorial Notes

##### AMENDMENTS

2011—Pub. L. 112-81, §631(d)(2), renumbered section 432 of this title as this section.

Subsec. (c). Pub. L. 112-81, §631(e)(30), added subsec. (c).

2001—Subsec. (b). Pub. L. 107-107 substituted “Air Mobility Command” for “Military Airlift Command”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 99-661, div. A, title VI, §615(b), Nov. 14, 1986, 100 Stat. 3880, provided that: “Section 431 [now 492] of title 37, United States Code, as added by subsection (a), shall apply with respect to travel performed after September 30, 1986.”

#### § 494. Subsistence reimbursement relating to escorts of foreign arms control inspection teams

(a) REIMBURSEMENT OF REASONABLE SUBSISTENCE COSTS.—Under uniform regulations prescribed by the Secretaries concerned, a member of the armed forces may be reimbursed for the reasonable cost of subsistence incurred by the member while performing duties as an escort of an arms control inspection team of a foreign country, or any member of such a team, while the team or the team member, as the case may be, is engaged in activities related to the implementation of an arms control treaty or agreement.

(b) PERIOD OF AUTHORITY.—The authority under subsection (a) applies to the period during which the inspection team, pursuant to authority specifically provided in the applicable arms control treaty or agreement, is in the country where inspections and related activities are being conducted by the team pursuant to that treaty or agreement.

(c) EFFECT OF LOCATION OF MEMBER’S PERMANENT DUTY STATION.—The authority under subsection (a) applies to a member of the armed forces whether the duties referred to in that subsection are performed at, near, or away from the member’s permanent duty station.

(d) TERMINATION.—No reimbursement may be provided under this section for expenses incurred after the travel authorities transition expiration date.

(Added Pub. L. 102-484, div. A, title VI, §623(a)(1), Oct. 23, 1992, 106 Stat. 2422, §434; renumbered §494 and amended Pub. L. 112-81, div. A, title VI, §631(d)(2), (e)(31), Dec. 31, 2011, 125 Stat. 1460, 1464.)

#### Editorial Notes

##### AMENDMENTS

2011—Pub. L. 112-81, §631(d)(2), renumbered section 434 of this title as this section.

Subsec. (d). Pub. L. 112-81, §631(e)(31), added subsec. (d).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

Pub. L. 102-484, div. A, title VI, §623(b), Oct. 23, 1992, 106 Stat. 2423, as amended by Pub. L. 112-81, div. A, title VI, §631(f)(4)(B), Dec. 31, 2011, 125 Stat. 1465; Pub. L. 112-239, div. A, title X, §1076(a)(9), Jan. 2, 2013, 126 Stat. 1948, provided that: “Section 494 of title 37, United States Code, as added by subsection (a), shall apply with respect to escort duty described in that section which is performed on or after the date of the enactment of this Act [Oct. 23, 1992].”

## [§ 495. Renumbered § 435]

## CHAPTER 9—LEAVE

Sec.	
501.	Payments for unused accrued leave.
502.	Absences due to sickness, wounds, and certain other causes.
503.	Absence without leave or over leave.
504.	Cadets and midshipmen: chapter does not apply to.

## Editorial Notes

## AMENDMENTS

1990—Pub. L. 101-510, div. A, title XIV, §1484(f)(1), Nov. 5, 1990, 104 Stat. 1717, revised chapter heading so as to appear in all capital letters.

## § 501. Payments for unused accrued leave

(a) In this section, the term “discharge” means—

(1) in the case of an enlisted member, separation or release from active duty under honorable conditions, termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated), or appointment as an officer;

(2) in the case of an officer, separation or release from active duty under honorable conditions;

(3) in the case of either an officer or an enlisted member, death while on active duty unless the decedent was put to death as lawful punishment for a crime or a military offense;

(4) in the case of an officer or an enlisted member of a reserve component who is not serving on active duty, separation or release from the reserve component under honorable conditions, or death; and

(5) in the case of an enlisted member of a reserve component who is not serving on active duty, termination of enlistment in conjunction with the commencement of a successive enlistment, or appointment as an officer.

(b)(1) A member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic and Atmospheric Administration, who has accrued leave to the member's credit at the time of the member's discharge, is entitled to be paid in cash or by a check on the Treasurer of the United States for such leave on the basis of the basic pay to which the member was entitled on the date of discharge.

(2) Payment may not be made under this subsection to a member who is discharged for the purpose of accepting an appointment or a warrant in any uniformed service.

(3) Payment may not be made to a member for any leave he elects to have carried over to a new enlistment in any uniformed service on the day after the date of his discharge; but payment may be made to a member for any leave he elects not to carry over to a new enlistment. However, the number of days of leave for which payment is made may not exceed sixty, less the number of days for which payment was previously made under this section after February 9, 1976.

(4) A member to whom a payment may not be made under this subsection, or a member who reverts from officer to enlisted status, carries the accrued leave standing to his credit from the one status to the other within any uniformed service.

(5) The limitation in the second sentence of paragraph (3) and in subsection (f) shall not apply with respect to leave accrued—

(A) by a member of a reserve component while serving on active duty in support of a contingency operation;

(B) by a member of the armed forces in the Retired Reserve while serving on active duty in support of a contingency operation;

(C) by a retired member of the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Space Force or a member of the Fleet Reserve or Fleet Marine Corps Reserve while the member is serving on active duty in support of a contingency operation; or

(D) by a member of a reserve component while serving on active duty, full-time National Guard duty, or active duty for training for a period of more than 30 days but not in excess of 365 days.

(6) An enlisted member of the armed forces who would lose accumulated leave in excess of 120 days of leave under section 701(f)(1) of title 10 may elect to be paid in cash or by a check on the Treasurer of the United States for any leave in excess so accumulated for up to 30 days of such leave. A member may make an election under this paragraph only once.

(c) Unused accrued leave for which payment is made under subsection (b) is not considered as service for any purpose.

(d)(1) Payments for unused accrued leave under subsections (b) and (g), in the case of a member who dies while on active duty or in the case of a member or former member who dies after retirement or discharge and before he receives that payment, shall be made in accordance with section 2771 of title 10. In the case of a member who dies while on active duty, payment for unused accrued leave under subsections (b) and (g) shall be based upon the unused accrued leave the member carried forward into the leave year during which he died plus the unused leave that accrued to him during that leave year.

(2) The limitations in the second sentence of subsection (b)(3), subsection (f), and the second sentence of subsection (g) shall not apply with respect to a payment made under this subsection.

(e)(1) A member of the Army, Navy, Air Force, Marine Corps, Space Force, Coast Guard, or National Oceanic and Atmospheric Administration who is discharged under other than honorable conditions forfeits all accrued leave to his credit at the time of his discharge.

(2) The Secretary concerned may require that a member of a uniformed service who is discharged before completing six months of active duty because of a failure to serve satisfactorily (as determined by the Secretary concerned) forfeit all accrued leave to his credit at the time of his discharge.